

277, "Seal for a joint or juncture", Subclass 353, "circumferential peripheral radially sealing flexible projection (e.g., lip seal, etc.)". Therefore, there is no serious burden on the Examiner.

Furthermore, the species identified by the Examiner do not require substantially different fields of search, and the Examiner has not provided an explanation why, different fields of search would be required if there was no election of species. Under MPEP § 808.02, a different field of search for distinct inventions is shown if it is necessary to search for one of the distinct inventions in places where no pertinent art to the other inventions exists. That is not the case here, because the claimed embodiments are not so different that any one will require a search in areas that will not contain pertinent art for substantially all of the other embodiments.

Because the Examiner has not made a *prima facie* showing of a serious burden on the Examiner without a restriction, the election requirement of the September 6, 2002 Office Action is improper. Therefore, the Applicant respectfully requests reconsideration of and withdrawal of the restriction requirement.

A check in the amount of \$55 is enclosed herewith to cover the one-month extension fee. It is believed that no additional fees are due in connection with this communication. However, the Office is hereby authorized to charge any deficiency, or credit any overpayment to Deposit Account 04-1420.

Respectfully submitted,

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Date: 10/15/02

By:

  
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